

OCT 16 1984

REGION 11

Enforcement Action - Duane Marine Corporation, Perth Amboy, New Jersey

Fred N. Rubel, Chief
Response and Prevention Branch

Robert Ogg, Chief
Site Investigation and Compliance Branch

339509



As a follow-up to Bruce Sprague's conversation with you on October 15, I am requesting that enforcement action be initiated to get responsible parties to act immediately at Duane Marine since we consider conditions to be unsafe and a delay in the state's response is anticipated. We will prepare an Action Memorandum for the RA's approval within the next ten days proposing a removal action. The EPA action, if taken, would involve the removal/disposal of drums and other containers of hazardous materials.

Attached is some background information to aid the individual you assign to this project. If you have any questions on this site, the OSC assigned to this site is Bruce Sprague.

Attachments

cc: B. Sprague, 2EKR-RA✓



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
HAZARDOUS SITE MITIGATION ADMINISTRATION
CN 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, PH.D.
ADMINISTRATOR

16 APR 1984

Bruce Sprague, Environmental Scientist
U.S. Environmental Protection Agency
Region II
U.S.A. Raritan Depot
Woodbridge Avenue
Edison, New Jersey 08837

Dear Mr. Sprague:

As per your request I have attached the information concerning the status of DEP's enforcement action and the investigation report from the City of Perth Amboy as the result of a fire at Duane Marine.

As suggested by Mr. Heksch, the ten day directive letter is being prepared.

Should you need any additional information, please contact me. Also, please keep the Department informed with the status of this case.

Sincerely,

Edwin Liu
Site Manager
Bureau of Site Management

HS10/cs
Attachment

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW

MEMORANDUM

TO: Edwin Lieu
Hazardous Site Mitigation
FROM: Ronald P. Heksch, DAG
SUBJECT: Duane Marine Corp.

DATE: March 27, 1984

I am writing to formally advise you that the above matter has been reassigned to me for handling. It is my understanding from discussions we have had that DEP wants to conduct an immediate cleanup of the Duane Marine facility in Perth Amboy with money from the Spill Fund. Given the failure of Duane Marine to act responsibly and take all action necessary to clean up its property despite legal action brought by this office and the City of Perth Amboy, I would recommend that the State-funded cleanup commence as soon as possible and that we seek treble damages from the company and its owners/operators. This being the case a Spill Fund ten-day directive letter should be sent to Duane Marine, Edward Leccareaux and any other owners or operators of the facility we know about. Thereafter, if, as expected, no response is forthcoming cleanup activities can commence. Please send me copies of the directive letters for my file and keep me advised of DEP's cleanup activities.

It is important to note that the contractor hired to do the cleanup work must understand that he will most likely have to testify in court. He should therefore be advised to carefully document all his actions and be able to fully justify his costs. Furthermore, he must be able to provide expert testimony related to the hazardous conditions at the site and the need for cleanup. Additionally, during the course of cleanup, the contractor and/or DEP should gather evidence to assist the enforcement case. This should include, but not be limited to, gathering information related to the illegal handling and/or disposal of hazardous waste at the site; gathering information related to the generators of the wastes found at the site; linking specific wastes found to specific generators, if possible, and a review of all available records related to the Duane Marine operations at the property in question.

Finally, you have asked for an outline of the State's enforcement activities to date. The following is a legal history of this case based on my review of the file. In April of 1979 Duane Marine's temporary operating authorization from DEP expired. On or about May 23, 1979 the City of Perth Amboy brought suit against the company seeking to have it cease operating. On or about June 4, 1979 DEP intervened in the aforementioned law suit. On July 31, 1979 a consent order was entered into wherein Duane Marine was permitted to continue operating provided that it would take certain action to improve its operations and begin handling the wastes it stored in an environmentally sound fashion and in full compliance with the law. Duane Marine

Edwin Lieu
Page 2
March 27, 1984

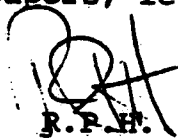
failed to comply with the terms and conditions of the consent order in question. This was true despite numerous applications by DEP to the court to enforce the terms of the consent order.

On July 7, 1980, as you know, there was a fire at the Duane Marine facility which substantially destroyed the operations there. On July 18, 1980 the parties appeared before the court at which time Duane Marine's attorney represented to the court that the company had no interest in continuing operations as a special waste facility on the premises in question. The court ordered Duane Marine to undertake an immediate cleanup of all the remaining drums and rubble at the site. The company failed to comply with this order as well. On July 31, 1981 our office filed an application with the court seeking compliance with the July 18, 1980 court order. The State's application was made returnable in August, however, negotiations followed between counsel for the State and Duane Marine's attorney and the return date of the State's motion was adjourned indefinitely. Needless to say, the negotiations between the parties proved fruitless and Duane Marine has still not complied with previous orders of the court to clean up its property.

Again, in light of the history of this case and DEP's desire to conduct cleanup of the Duane Marine property as soon as possible, it is my opinion that a ten-day directive letter should be sent to the company and its owners and/or operators immediately. Thereafter, a State-funded cleanup should take place, after which we will sue the company and its principals for three times the cost of cleanup.

If for some reason DEP is unable to effectuate a cleanup within the next few months, please let me know so that I can pursue other remedies we might have against Duane Marine.

If you need any further information concerning this matter or require copies of the court papers, let me know.


R.P.H.

RPH/bf

cc: Lawrence E. Stanley, DAG

INVESTIGATION REPORT

| | | | | | | | | | | | |
|---|--|--|--|-----------------------------|--|-----------------------|--|---|--|---|--|
| 1. Department PERTH AMBOY | | 2. Case No. 01216 | | 4. UCR | | 21. Prior Case No. | | 22. Dept. Case No. | | <input type="checkbox"/> Co-op <input type="checkbox"/> Original | |
| 5. Crime/Incident ARSON | | | | 8. NJS 2C:17-1(b) | | | | 23. Victim (First, Middle, Last) DUANE MARINE | | | |
| | | | | Social Security Number | | | | 24. D.O.B. | | 25. Sex | |
| | | | | | | | | 26. Race | | | |
| DATE AND TIME | | 7. Between <input type="checkbox"/> | | 8. Hour 9:00PM | | 9. Day TUES | | 10. Mo. 9 | | 11. Date 13 | |
| | | AT X | | | | | | | | 12. Yr. 83 | |
| 27. Victim's Address (City, State, Zip) FRONT & WASHINGTON ST | | | | | | | | Phone and Ext. No. NONE | | | |
| 13. Crime/Incident Location FRONT & WASHINGTON ST | | | | | | | | 28. Employer/Address OFF DAVE FRIEDMAN | | | |
| 14. Municipality PERTH AMBOY | | | | | | | | 15. County MIDDLESEX | | | |
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region II

DATE:

15 AUG 1984

SUBJECT:

Immediate Removal Authorization for the Duane Marine Corporation Site,
Perth Amboy, New Jersey - ACTION MEMORANDUM

FROM:

Bruce Sprague, OSC *Fred Rubel for*
Emergency Response Branch

TO:

Dick Dewling
Acting Regional Administrator

THRU:

William J. Librizzi, Director *(70)*
Office of Emergency and Remedial ResponseI. PURPOSE:

A. Site Setting/Description

The New Jersey Department of Environmental Protection (NJDEP) has requested immediate EPA action to secure and stabilize the Duane Marine Corporation site in order to prevent or mitigate immediate and significant risk of harm to human life and health. The NJDEP intends to commence removal activities at the site within the next six months. EPA's removal action includes repairing the existing fence, boarding up any open first or second floor windows of the building, cover open roll-off containers which have chemical wastes in them, and repair or patch any leaking tanks. Additional activity will include attempting to determine the source of oil that has entered the Arthur Kill in which low levels of PCB's (14 ppm) and heavy metals have been detected. Total removal costs are estimated to be not more than \$50,000, covering a period of 5-10 days.

II. BACKGROUND:

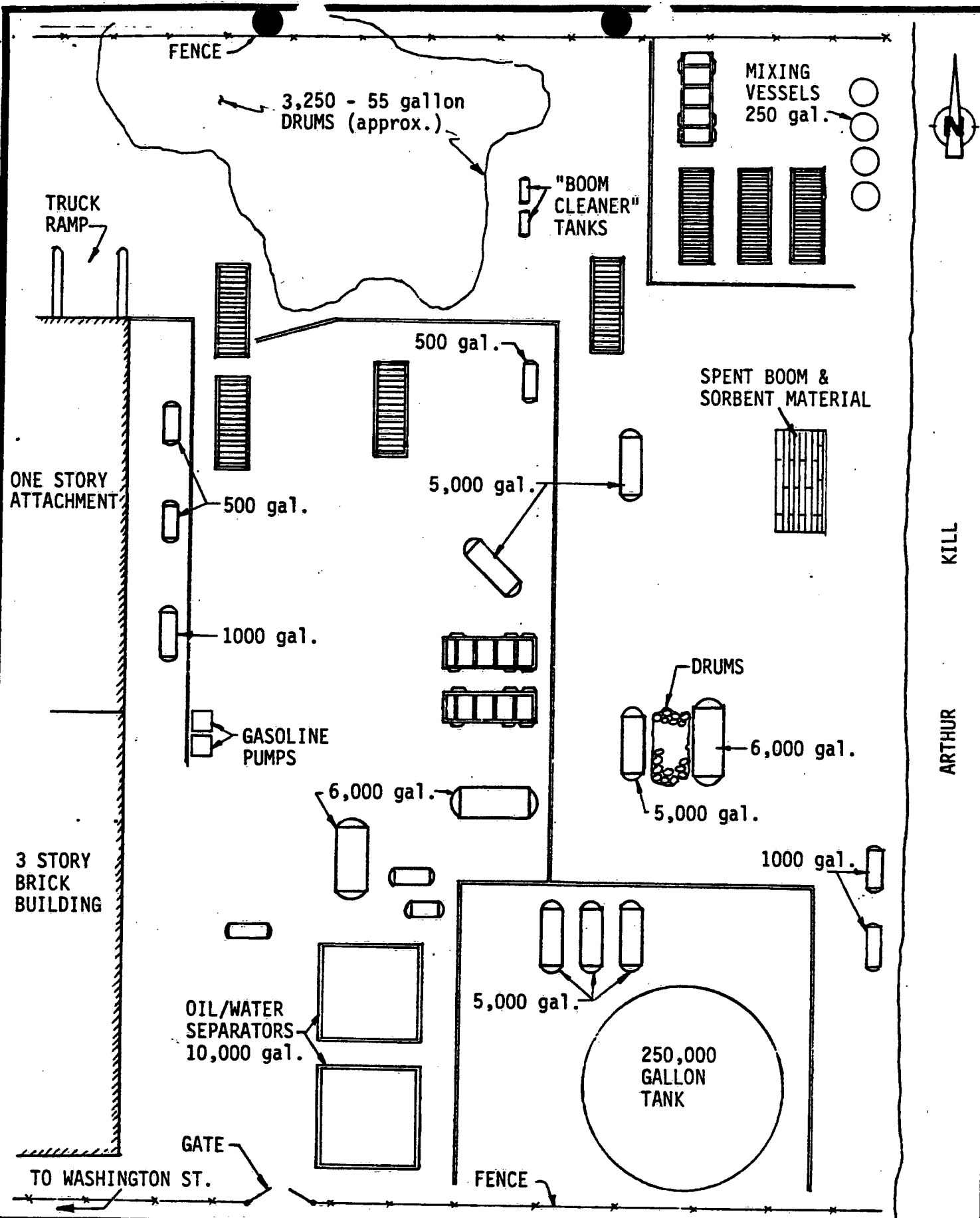
The Duane Marine Corporation site is located at 26 Washington Street in Perth Amboy, Middlesex County, New Jersey (Figure 1). The site directly borders the Arthur Kill, a navigable waterway of the United States. Approximately 3,500 metal 55-gallon drums, two dozen metal tanks, six tankers, three box trailers, and six roll-off dumpsters have been abandoned on the five-acre site (Figure 2).

In addition, two trucks, construction debris, and piles of spent boom and sorbent material are scattered throughout the site.

Duane Marine Corporation was an oil spill cleanup contractor that opened this site for storage, treatment, blending, and reprocessing of waste oils. The New Jersey Department of Environmental Protection issued a temporary operating authorization of this facility on May 9, 1978 for acceptance of the following waste types: tank bottoms, waste oils, oil sludge, solvents, acids, alkali solutions, and flammable liquids.

Weston/SPER Division





WESTON

SPILL PREVENTION &
EMERGENCY RESPONSE DIVISION

In association with
ICF, Inc., Jacobs Engineering, Inc., & Tetra Tech, Inc.

FIGURE 2
DUANE MARINE
SITE PLAN

LEGEND: 20 CY DUMPSTER
 BOX TRAILER
 TANK

The facility was not authorized to accept PCB waste which has been found at the site. On July 7, 1980 a major fire at General Cable in the Perth Amboy Industrial Center (on Washington Street) spread to the Duane Marine facility resulting in the destruction of several buildings, boats, and vehicles. Approximately 2,000 55-gallon drums of waste chemicals were consumed during the fire. Subsequent to the fire, Duane Marine Corporation expressed no interest in continuing operations and abandoned the site.

The majority of the approximately 3,500 fifty-five gallon drums are located in the north to northwest area of the site (Figure 2). These drums are haphazardly stacked in several piles on the asphalt pavement, up to three tiers high and ten deep (Appendix A). Some of the drums in this area are empty, having been consumed by the July 1980 fire. The others in this area appear to contain mostly solid materials and have rusted/corroded such that labeling information is legible on only a few. Some of these drums are bulging and a few do not have lids.

A much smaller drum storage area is located in the southeastern portion of the site. Approximately 100 fifty-five gallon drums are stacked between a 6,000 gallon tank and a 5,000 gallon tank (Figure 2). They appear to be intact, with a few of them located directly underneath the 5,000 gallon tank. There are no containment dikes around the drum storage area.

A 250,000 gallon oil storage tank is located in the southeastern portion of the site. This steel tank is approximately thirty feet high and sits on a concrete foundation. The soil surrounding this tank is covered with an oily sheen from previous leakage. The tank wall is gouged on the northernmost side, accounting for at least part of the soil contamination. This gouging may have started from bullet holes. In 1982, NJDEP measured the volume of the contents of the tank to be approximately 6 feet from the top of the tank. On July 13, 1984 NJDEP measured the contents of the tank to be approximately 27 feet from the top of the tank. The disparity of these measurements is uncertain at this time.

Adjacent to the oil storage tank are an additional three 5,000 gallon waste oil treatment tanks connected in series. All four tanks are enclosed by a dike that is constructed of steel reinforced concrete walls. The walls are 6 inches thick, 12 feet high and 80 feet long. Several substantial cracks in the back wall are apparent, directly bordering the Arthur Kill.

The six roll-off dumpsters (i.e., 20 cubic yards each) contain solid and/or sludge like materials. Three of these dumpsters are covered with plywood. The other three are completely open.

The two oil/water separator tanks (i.e., 10,000 gallons each) are located adjacent to the unlocked gate entrance. They are covered with tarps, although there is evidence of oil leakage/spillage on the asphalt pavement.

Six tankers are also present on site. Three are of 5,000 gallon capacity and the others are of 6,000 gallon capacity. At least two of these tankers have leaked in the past with no means of containment present.

There are three trailers on site, one of which has been badly damaged by a fire that was suspected to be arson.

There are fifteen small tanks located throughout the site, the largest being of 1,000 gallon capacity. Several of these tanks are rusted/corroded and a few contain what appear to be bullet holes.

The site is located in a heavily populated and densely industrialized area. Several sections of the fence surrounding the property have been cut and knocked down. In addition, the gate entrance on Washington Street is not secure as the chain and lock have been removed. Repeated vandalism has resulted in free access increasing the threat to human health via direct contact with the hazardous materials. Children have been observed on-site during recent EPA inspections. Remnants of fireworks have also been found on the site.

The site is within 0.2 mile of a residence. Approximately 5,000 people live within 1 mile of the site, including children. Perth Amboy has a population of 39,000. Directly across from the site on Washington Street is a large propane tank enclosed by a chain-link fence. The Perth Amboy Dry Dock Company is adjacent to the site on Front Street.

B. Quantity and Types of Substances Present

There is an unknown quantity of hazardous materials on site. A sampling program of various tanks conducted by the NJDEP in June and August 1981 revealed the presence of the following hazardous substances.

| <u>Substance</u> | <u>Statutory Source For Designation Under CERCLA</u> |
|----------------------|--|
| Bromoform | CWA, Section 307(a) |
| Dichlorobromomethane | CWA, Section 307(a) |
| Ethylbenzene | CWA, Section 311(b)(4) |
| Tetrachloroethylene | CWA, Section 307(a) |
| Trichloroethylene | CWA, Section 311(b)(4) |
| Total-Xylene | CWA, Section 311(b)(4) |
| PCB/1254 | CWA, Section 311(b)(4) |
| PCB/1221 | CWA, Section 311(b)(4) |
| PCB/1216 | CWA, Section 311(b)(4) |
| Toluene | CWA, Section 311(b)(4) |
| Chlorobenzene | CWA, Section 311(b)(4) |
| 1,2-Dichloroethane | CWA, Section 307(a) |
| 1,2-Dichloropropane | CWA, Section 307(a) |
| Trichloroethane | CWA, Section 307(a) |

The NJDEP also obtained samples from the six roll-off dumpsters in September 1981. The following hazardous substances were identified:

| <u>Substance</u> | <u>Statutory Source For Designation Under CERCLA</u> |
|-----------------------|--|
| Benzene | CWA, Section 311(b)(4) |
| Toluene | CWA, Section 311(b)(4) |
| Ethylbenzene | CWA, Section 311(b)(4) |
| Total-Xylene | CWA, Section 311(b)(4) |
| Dimethyl phthalate | CWA, Section 307(a) |
| Butylbenzylphthalate | CWA, Section 307(a) |
| Methylene chloride | CWA, Section 307(a) |
| 1,1,1-trichloroethane | CWA, Section 307(a) |
| Tetrachloroethylene | CWA, Section 307(a) |
| Phenol | CWA, Section 311(b)(4) |
| Arsenic | RCRA, Section 3001 |
| Chromium | RCRA, Section 3001 |
| Lead | RCRA, Section 3001 |
| Silver | RCRA, Section 3001 |
| Selenium | RCRA, Section 3001 |

Very few of the drums have manufacturer or product labels. Product labels noted include waste oils, epoxy/adhesives, sodium sulfhydrate, and caustic sodium hydroxide. Manufacturers labels include Dow Chemical, Chevron, Anchor Chemical Company, and G. Whitfield Richards.

C. This site is not on the National Priority List.

III. THREAT:

A. Threat of Exposure to Public or the Environment

The threat of exposure to the public or the environment is multifold. The site is unsecured permitting individuals to come in direct contact with hazardous substances. Children have been observed on-site during EPA inspections and previous attempts by NJDEP to repair the fence and secure the site have been unsuccessful. Recent vandalism is evident from the presence of beer bottles/cartons, fireworks, and possibly bullet holes in a few of the tanks.

The potential for fire and subsequent release of toxic fumes is also of concern. A fire involving an abandoned office trailer on-site in September 1983 was considered to be of suspicious nature. Since the site is unsecured, the potential for arson still exists. As secondary containment measures are virtually non-existent, any run-off from a spill/fire will flow into the Arthur Kill, a navigable waterway of the United States. Although this waterway is not of high quality, it is utilized for fishing and recreational purposes.

B. Evidence of Extent of Release

The present evidence of release includes the obvious oil sheen and contaminated soil surrounding the 250,000 gallon oil storage tank. The tank wall is gouged (possibly from bullet holes) on the northernmost side, accounting for the leakage. In addition, tanker leakage has been noted from discoloration/staining of soil on-site. The NJDEP reported that rainwater has caused displacement of material in the drum storage area with leachate flowing from this area to the Arthur Kill.

Additionally, on July 12, 1984, an oil spill was reported to be entering the Arthur Kill from several seeps along the edge of the site. This oil was determined to contain upto 14 ppm PCB's, as well as levels of various heavy metals. Verification that the Duane Marine facility was the source of this release has not yet been made.

C. Previous Actions to Abate Threat

The NJDEP collected samples for volatile organics analysis from eleven tanks/tankers on June 12, 1981 and also obtained samples for PCB analysis from thirteen tanks/tankers on August 11, 1981. The six roll-off dumpsters were sampled by NJDEP on September 2, 1981 for priority pollutant analysis. Two additional tanks were sampled for PCB analysis by NJDEP on November 19, 1981. Hazardous substances were found, as previously indicated on page 4.

In August 1981, New Jersey Spill Fund monies were utilized to secure the site. Repeated vandalism since then and continued deterioration of waste containers has resulted in the current threat to human health from direct contact, and potential release of toxic fumes from a fire. NJDEP indicates it will be unable to adequately address the site for several months due to contract requirements and thus requested EPA to act.

- D. The NJDEP intends to initiate action at the site within the next six months. They have requested that EPA conduct an immediate removal action to secure and stabilize this site in the interim. The NJDEP has indicated that once EPA's security measures are in place NJDEP will be responsible for their maintenance.

IV. ENFORCEMENT:

(See attachment).

V. PROPOSED PROJECT AND COSTS:

- A. Objective of the Removal Action are as follows:

Phase 1

- 1) Repair approximately 400 feet of damaged fencing and gates.
- 2) Board up first and second floor windows that are not within the fenced area.
- 3) Cover the open roll-off containers.
- 4) Determine the source of the oil seeping into the Arthur Kill.
- 5) Contain oil seep

- 1) Install 3-5 monitoring wells (if feasible, and if warranted after trenching is attempted)
- 2) Perform a metal detection survey

B. Response Options:

(a) Repair fence

| | |
|---|----------|
| (1) Repair 400 feet of fence (at \$20/foot with labor) | \$ 8,000 |
| (2) Vehicle | 360 |
| (3) Subtotal | \$ 8,360 |
| (4) 20% Contingency | 472 |
| (5) TAT Costs | 1,672 |
| (6) Intramural costs (HQ and Region) | 1,000 |
| TOTAL | \$11,832 |

(b) Board up open windows

| | |
|--|----------|
| (1) Materials (plywood, bolts, etc.,) | 300 |
| (2) Labor | \$ 1,500 |
| (3) Vehicle | 270 |
| (4) Subtotal | \$ 2,070 |
| (5) 20% Contingency | 414 |
| (6) TAT Costs | 500 |
| (7) Intramural costs (HQ and Region) | 1,000 |
| TOTAL | \$ 3,984 |

(c) Cover roll-off containers and patch leaky tanks

| | |
|---|----------|
| (1) Materials (poly sheeting, lumber, etc.,) | 300 |
| (2) Labor | 500 |
| (3) Subtotal | \$ 800 |
| (4) 20% Contingency | 160 |
| (5) TAT Costs | 200 |
| (6) Intramural costs (HQ and Region) | 500 |
| TOTAL | \$ 1,660 |

(d) Determine source of seep

| | |
|---|----------|
| (1) Backhoe (2 days) | \$ 480 |
| (2) Labor | 960 |
| (3) Subtotal | \$ 1,440 |
| (4) 20% Contingency | 288 |
| (5) TAT costs | 200 |
| (6) Intramural costs (HQ and Region) | 500 |
| TOTAL | \$ 2,428 |

(e) Contain oil seep

| | |
|---|----------|
| (1) 500 feet slick bar boom (1 day) | \$ 590 |
| (2) Labor | 2,800 |
| (3) Boat with motor | 105 |
| (4) Sorbent | 70 |
| (5) Vehicles (2) | 180 |
| (6) Subtotal | \$ 3,745 |
| (7) 20% Contingency | 749 |
| (8) TAT costs | 300 |
| (9) Intramural costs (HQ and Region) | 800 |
| TOTAL | \$ 5,594 |

(f) Drill four monitoring wells (if digging with backhoe fails to identify source of oil seep).

| | |
|---|----------|
| (1) Drilling costs | \$ 5,000 |
| (2) Permits | 200 |
| (3) Vehicle | 350 |
| (4) Subtotal | 5,550 |
| (5) 20% Contingency | 1,110 |
| (6) TAT costs | 800 |
| (7) Intramural costs (HQ and Region) | 1,500 |
| TOTAL | 8,960 |

(g) Magnetometer survey

This option will be done to locate any underground tanks not already identified. The cost of such a survey is estimated at \$15,000.

The costs are therefore estimated as follows:

| | |
|-------------------------------------|----------|
| Mitigation contracting: | \$41,400 |
| Other extramural costs (i.e., TAT): | 2,800 |
| Intramural costs: | 5,300 |

C. Project Schedule

Project initiation date is tentatively scheduled for Monday July 23, 1984. It is estimated that the entire removal action will take 5 - 10 days.

VI. AUTHORIZATION:

Conditions at the Duane Marine Corporation site meet the NCP Section 300.65 criteria for an immediate removal (i.e., it presents an immediate and significant risk of harm to human life and health because of the potential for direct human exposure to acutely toxic substances and the potential for fire). On July 12, 1984, verbal authorization for an immediate removal with an initial ceiling of \$50,000 was approved. Please confirm verbal approval of this action by signing below and returning this memorandum to me.

Approve: _____



Date: _____



Attachments

cc: J. Marshall, 20EP
W. Librizzi, 20ERR
F. Rubel, 20ERR-ER
R. Ogg, 20ERR-HW
W. Mugdan, 2 ORC-WTS
G. Gherardi, 20PM-FIN
W. Hedeman, WH-548
H. Crump, WH-548B
P. Flynn, PM-214-F (Express Mail)
M. Sadat, NJDEP

AUG 07 1984

Duane Marine Removal Action

**Fred N. Rubel, Chief
Emergency Response Branch**

**William J. Librizzi, Director
Office of Emergency and Remedial Response**

The following explains why a notice letter under CERCLA was not issued for the removal action at Duane Marine.

On the evening of July 12, 1984 we responded to a reported release of PCB contaminated oil from a tank at the Duane Marine, Perth Amboy, New Jersey. Funds were verbally authorized for a removal action (Barrack to Librizzi). No time existed to contact potentially responsible parties at this abandoned facility prior to acting, as black oil was already in the Arthur Kill. On July 13, 1984, after not detecting PCB's (above 10 ppm) the incident was turned over to the Coast Guard as an oil spill in their area of jurisdiction. Subsequent sampling indicated PCB's present just above 10 ppm (14 ppm), and on July 18, 1984 we met with NJDEP to discuss the need for further action to stabilize the site. On the evening of July 19, the Acting Regional Administrator authorized the additional immediate removal actions to stabilize the site.

On July 23 the attached draft memorandum requesting the issuance of a notice letter to potentially responsible parties was drafted for electronic mail release, but was not completed due to administrative oversight. This was only realized on August 6, 1984, after stabilization actions were essentially complete.

Attachment

**cc: B. Sprague, 20ERR-ER
G. Pavlou, 20ERR-HW
R. Ogg, 20ERR-HW**

REGION II

Issuance of Notice Letter for ^{DUANE} Dwane Marine CERCL Act Removal Action

Fred N. Rubel, Chief
Emergency Response Branch

Robert Ogg, Chief
Hazardous Waste Sites Branch

DRAFT

This is to request immediate issuance of ^{DUANE} (a) notice letter(s) in connection with the recent removal action at the Dwane Marine Facility in Perth Amboy, New Jersey. Bruce Sprague is the OSC, and can be contacted for any discussion on this.

cc: Bruce Sprague, 20ERR-ER

FILE:

20ERR-ER:MPOLITO:jm:disk 28:7/23/84:340-6652

20ERR-ER
Polito

20ERR-ER
Rubel

ATTACHMENT

Enforcement

State actions to date: In April of 1979 Duane Marine's temporary operating authorization from NJDEP expired. Following this, the City of Perth Amboy brought suit against the company seeking to have it cease operation. NJDEP intervened in this suit and on July 31, 1979 a consent order was entered into where Duane Marine was permitted to continue operating provided that it would take action to improve its operation and begin handling the wastes it stored in an environmentally sound fashion. Duane Marine failed to comply with the conditions of this consent order.

Following the fire at Duane Marine, the company's attorney informed the court that the company had no interest in continuing operations on the premises. The court ordered the company to undertake an immediate cleanup. The company failed to comply with this order as well. On July 31, 1980 the New Jersey Attorney General's Office filed an application seeking compliance with the previous order. Subsequently, negotiations began between the State and Duane Marine's attorney. The negotiations have proved fruitless and Duane Marine has still not complied with previous orders to clean up the property.

The State plans to begin cleaning up the site shortly, after which they plan to sue the company for three times the cost of the cleanup.

EPA actions to date: EPA has not yet taken any enforcement action against Duane Marine. Enforcement activities seem inappropriate, at this time, since immediate removal activities have already begun.